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Attorneys for Defendants County of
Siskiyou; Jeremiah LaRue and Jesus
Fernandez, in their official capacities
as members of the Siskiyou County
Sheriff's Department and in their individual
capacities; Brandon Criss, Ed Valenzuela,
Michael N. Kobseff, Nancy Ogren, and
Ray A. Haupt, in their official capacities
as members of the Siskiyou County Board
of Supervisors and in their individual
capacities; Edward Kiernan, in his official
capacity as County Counsel for Siskiyou
County and in his individual capacity;
and DOES 1-100

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

Dilevon Lo, Jerry Vang, Nathan Thao, Mao
Thao, Pao Lee, Antonio Lee, Koua Lee, Nhia
Thai Vang, Zeng Lee, Der Lee and Khue Cha,

Plaintiffs,

vs.

County of Siskiyou; Jeremiah LaRue and
Jesus Fernandez, in their official capacities as
members of the Siskiyou County Sheriff's
Department and in their individual capacities;
and Brandon Criss, Ed Valenzuela, Michael N.
Kobseff, Nancy Ogren, and Ray A. Haupt, in
their official capacities as members of the
Siskiyou County Board of Supervisors and in
their individual capacities; Edward Kiernan, in
his official capacity as County Counsel for
Siskiyou County and in his individual
capacity; and DOES 1-100,

Defendants.

Case No. 2:21-cv-00999-KJM-DMC

**AFFIDAVIT OF RAY A. HAUPT IN
SUPPORT OF DEFENDANTS' MOTION
FOR DISSOLUTION OF THE COURT'S
ORDER GRANTING A PARTIAL
PRELIMINARY INJUNCTION**

Complaint Filed: June 4, 2021

First Amended Complaint Filed: July 15, 2021

Date: March 25, 2022

Time: 10:00 AM

Courtroom: 3, 15th Floor

Judge: Hon. Kimberly J. Mueller

**[FEES EXEMPT PURSUANT TO
GOVERNMENT CODE SECTION 6103]**

1 I, Ray A. Haupt, do hereby declare:

2 1. I previously provided a declaration dated August 13, 2021 in Opposition to
3 Plaintiffs' Application for a Temporary Restraining Order and Preliminary Injunction.

4 2. Illegal cannabis cultivation in Siskiyou County has been an enormous problem for
5 the County's citizens, elected officials and employees since the rapid expansion of cannabis grow
6 sites began in various remote portions of the County in approximately 2015. In addition to the
7 increased criminal activity associated with illegal cannabis cultivation, these criminal endeavors
8 have negatively impacted the County in multiple ways. For instance, during the winter of 2016,
9 there were three tragic carbon monoxide deaths resulting from the operation of improperly vented
10 cooking and/or heating appliances in encampments associated with illegal cannabis grow sites.
11 During 2016, the Siskiyou Interagency Marijuana Investigation Team (SIMIT) served 113 search
12 warrants, seizing 11,470 cannabis plants (worth \$240.8 million retail), 17,410 pounds of processed
13 marijuana valued at \$121,870,000 retail value, 9 pounds of concentrated cannabis, 27 firearms and
14 initiated 24 arrests. By the time the County Board of Supervisors met on September 5, 2017, SIMIT
15 had already served 612 search warrants on private property and seized 13,284 cannabis plants,
16 1,752 pounds of processed product and 20 firearms. As a result of a continued and ever-expanding
17 proliferation of illegal cannabis cultivation sites on private property where hundreds of people were
18 living in unpermitted, illegally-constructed dwellings, the Board proclaimed a local emergency.
19 Among the concerns giving rise to the September 5, 2017 resolution was that an estimated three
20 million gallons of water was being expended daily by illicit cannabis producers which significantly
21 depleted both groundwater and surface water resources impacting legal uses of this water including
22 lawful agriculture, recreation and private and environmental use by the citizens of the County.
23 Attached hereto as **Exhibit A** is a true and correct copy of the resolution proclaiming a local
24 emergency, dated September 5, 2017.

25 3. Recent changes to the trucking ordinance now limits its application to agricultural
26 water and excludes potable water. Additionally, the ordinance applicable to water trucks applies
27 county wide as opposed to being limited in its enforcement to those areas surrounding Mount
28 Shasta Vista.

3 5. County Officials have received complaints from some land owners that their wells
4 were being significantly impacted due to adjacent land owners pumping water into water trucks for
5 off-parcel use by cannabis cultivators.

6 6. The focus and purpose of the ordinances in question was always the protection of
7 groundwater resources from exploitation by cannabis cultivators. There was never any intent to
8 target potable water or trucks conveying potable water.

13 8. As a result, Urgency Ordinance 21-07 was replaced by Ordinance 21-13 and
14 Urgency Ordinance 21-08 was replaced by Ordinance 21-14. Following the Court's Order, the
15 Board of Supervisors enacted two resolutions modifying Ordinance No. 21-14. Through the
16 resolutions, the trucking ordinance formerly 21-08 and currently 21-14 excludes potable water and
17 is intended to be applied county-wide.

18 I declare under penalty of perjury in the State of California that the foregoing is true and
19 correct. Executed this 18th day of February, 2022 at Yreka, California.

// Ray A. Haupt
Ray A. Haupt

EXHIBIT A

**COUNTY OF SISKIYOU
BOARD OF SUPERVISORS
STATE OF CALIFORNIA**

**RESOLUTION PROCLAIMING A LOCAL EMERGENCY:
PROLIFERATION OF ILLEGAL CANNABIS CULTIVATION**

WHEREAS, Ordinance No. 589 of the County of Siskiyou empowers the Director of Emergency Services to request that the Siskiyou County Board of Supervisors proclaim the existence, or threatened existence, of a Local Emergency when said County is affected, or likely to be affected, by the existence of conditions of a disaster or extreme peril to the safety of persons and property within the County caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions that are likely to be beyond the control of services, personnel, equipment and facilities of the County; and

WHEREAS, The Siskiyou County Sheriff's Office (SCSO) and its partner agencies have experienced the unprecedented proliferation of illicit cannabis cultivation sites throughout the county, both on public and private lands, which, on private property number at least 2,000, overwhelming SCSO and partner agency resources; and

WHEREAS, During 2017 a combined SCSO and Siskiyou County District Attorney team (Siskiyou Interagency Marijuana Investigation Team – SIMIT) has served 61 search warrants on private property illicit marijuana cultivation sites, seizing 13,284 cannabis plants, 1,752 pounds of processed product, 20 firearms, and three (3) THC extraction ("Honey Oil") labs at numerous county locations; and

WHEREAS, During 2016, SIMIT served 113 search warrants, seizing 11,470 cannabis plants (worth \$240.8 million retail), 17,410 pounds of processed marijuana (\$121,870,000 retail value), 9 pounds of concentrated cannabis, confiscated 27 firearms, initiated 24 arrests (78 cases filed) and detected unsafe conditions; and

WHEREAS, Counter-drug operations on private and public property have identified nearly universal non-compliance with the county's ban on outdoor cultivation of cannabis and have uncovered hundreds of pervasive fire hazards, insecticides, pesticides, rodenticides, fertilizers, trash, and unsanitary conditions which severely impact health, safety and quality of life for countless county residents and led to three carbon monoxide deaths; and

WHEREAS, Siskiyou County is already overwhelmed with methamphetamine, heroin, prescription drugs, cocaine, and other illicit drugs, and a rising suicide and drug overdose rate, multiplying the impact the illicit cannabis drug trade exacts against our adults and children and the illegal customers in other states; and

WHEREAS, 2,000+ illicit cannabis cultivation sites in private property areas have established encampments where hundreds of people are living in unpermitted and illegally constructed dwellings without permitted sewage disposal systems or potable water supplies. Additionally, solid waste is not properly removed from the site and is either illegally burned on-site, accumulated on-site causing a vector attraction, buried on-site or left to blow into neighboring properties, all constitute maintenance of a public nuisance in violation of existing codes; and

WHEREAS, During the winter of 2016, there were three tragic carbon monoxide deaths resulting from the operation of improperly vented cooking and/or heating appliances in encampments; and

SISKIYOU COUNTY
RESOLUTION

17-117

No. _____

WHEREAS, The County Fire Warden has documented multiple fires starts that have been initiated in these encampments and at least two fires that have escaped and threatened life and property; and

WHEREAS, The emergency responders are not able locate 911 callers living in encampments to render emergency services further risking the life and safety of occupants; and

WHEREAS, Public land cannabis grow sites (mostly USFS), operated mostly by drug trafficking organizations in 2016 resulted in the seizure of 101,255 illicit plants, 2,850 pounds of processed product, and sadly led to detection of dangerous conditions and illicit chemicals like "Carbofuran," a severe threat to citizens and the environment; and

WHEREAS, An estimated 3,000,000 gallons of water is being expended daily by illicit cannabis producers, depleting precious groundwater and surface water resources and these losses jeopardize the lawful agricultural, recreational, private and environmental use of water for thousands of residents; and

WHEREAS, Site grading in excess of one acre, illegal timber conversion, illegal water diversions or unauthorized use of surface water without proper permits/authorization is occurring on a significant number of properties. The volume of properties and number of violations exceeds the capacity of local resources to effectively enforce provision to prevent further environmental damage and impacts to watercourses and fish populations; and

NOW, THEREFORE, BE IT RESOLVED, That the Siskiyou County Board of Supervisors declares a "Local State of Emergency" due to the catastrophic impact illicit cannabis cultivation sites have had on public health, safety, and quality of life issues in the county. SCSO, local and regional resources have been exhausted and the "State of Emergency" can only be mitigated with additional assistance from federal, state, and/or regional resources due to the organized crime, interstate characteristics, nature, magnitude, and multi-billion dollar funding mechanisms that supports cannabis crime networks in the county.

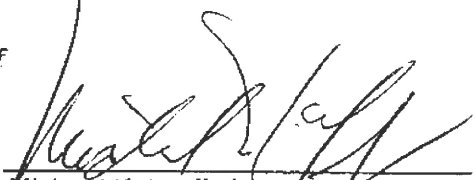
The foregoing resolution was adopted at a regular meeting of the Board of Supervisors of the County of Siskiyou, State of California, held on the 5th day of September, 2017 by the following vote:

AYES: Supervisors Criss, Haupt, Valenzuela, Nixon and Kobseff

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE


Michael Kobseff, Chair
Siskiyou County Board of Supervisors

ATTEST: Colleen Setzer, Clerk

By: 
Deputy